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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/048,114 | 03/05/2002 | Rainer Hillebrand | RBL0085 | 6351 |
| 7590 John F Hoffman Baker & Daniels 111 East Wayne Street Suite 800 Fort Wayne, IN 46802 | | | EXAMINER PATEL, NIKETA I | |
| | | | ART UNIT 2181 | PAPER NUMBER |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | | MAIL DATE | DELIVERY MODE |
| 3 MONTHS | | | 04/05/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/048,114

Applicant(s)

HILLEBRAND, RAINER

Examiner

Niketa I. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10,11 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10,11 and 13-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/19/2007 has been entered.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the process for transferring data from a data-preparing device to a data-requesting device including the various process steps must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 10-11, 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Moriya U.S. Patent Number: 6,161,140 (hereinafter "*Moriya*").

6. Referring to claim 15, *Moriya* teaches a process for transferring data from a data-preparing device to a data-requesting device [see abstract], comprising: the data-requesting device requests, over a network, data to be transmitted to it by the data-preparing device [see

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abstract; figure 2, elements 10a-c, NW, 202, 201; figure 4, 'Display Size'; column 3, lines 25-41; Figures 9A and 9B]; the data-requesting device transmits to the data-preparing device over the network information data about the capabilities of the data-requesting device, said information data transmitted by the data-requesting device including a list of usable display formats for the data-requesting device [see abstract; figure 2, elements 10a-c, NW, 202, 201; figure 4, 'Display Size'; column 3, lines 25-41; Figures 9A and 9B]; the data-preparing device then, according to availability at the data-preparing device, selects the best-suited display format from the list of usable display formats transmitted by the data requesting device [see abstract; figure 2, elements 10a-c, NW, 202, 201; figure 4, 'Display Size'; column 3, lines 25-41; Figures 9A and 9B]; and the data preparing device then transmits data over the network to the data-requesting device in the selected display format [see abstract; figure 2, elements 10a-c, NW, 202, 201; figure 4, 'Display Size'; column 3, lines 25-41; Figures 9A and 9B.]

7. **Referring to claim 10**, *Moriya* teaches wherein the information data are transmitted to the data-preparing device over a device engaged between the data-requesting device and the data-preparing device [see abstract; figure 2, elements 10a-c, NW, 202, 201; figure 4, 'Display Size'; column 3, lines 25-41; Figures 9A and 9B.]

8. **Referring to claim 11**, *Moriya* teaches wherein the requested data are stored in a central data bank of the data-preparing device and, on call, are formatted by a formatting device into the pre-determined data format and transmitted to the data-requesting device [see abstract; figure 2, elements 10a-c, NW, 202, 201; figure 4, 'Display Size'; column 3, lines 25-41; Figures 9A and 9B.]

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9. **Referring to claim 13**, wherein the requested data are stored in a central data bank of the data-preparing device and, on call, are formatted by a formatting device into the predetermined data format and transmitted to the data-requesting device [see abstract; figure 2, elements 10a-c, NW, 202, 201; figure 4, 'Display Size'; column 3, lines 25-41; Figures 9A and 9B.]

10. **Referring to claim 14**, *Moriya* teaches wherein the requested data are stored in a central data bank of the data-preparing device and, on call, are formatted by a formatting device into the predetermined data format and transmitted to the data-requesting device [see abstract; figure 2, elements 10a-c, NW, 202, 201; figure 4, 'Display Size'; column 3, lines 25-41; Figures 9A and 9B.]

Response to Arguments

11. Applicant's arguments with respect to claims 10-11, 13-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (571) 272 4156. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571) 272 4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner:

A handwritten signature in black ink, appearing to read 'Niketa Patel', is written over the printed name.

Niketa Patel

03/29/2007